

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UBALDO ROMERO,

Petitioner, : 08 Civ. 8380 (CM) (HBP)

-against-

: OPINION
AND ORDER

DAVID NAPOLI, Superintendent
for Southport Correctional
Facility,

:
:

Respondent. :

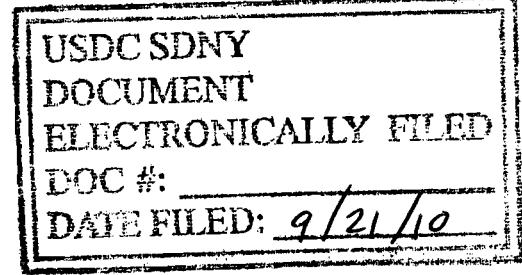
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PITMAN, United States Magistrate Judge:

By a document dated November 13, 2009 and entitled "Reply Motion," (Docket Item 35), petitioner seeks "an order pursuant to Rule 6.1(a)(3) of the Local Rules of the United States District Court granting petitioner's Rule 8 motion . . . , requesting an evidentiary hearing."

The nature of petitioner's application is fatally unclear. Local Civil Rule 6.1(a)(3) merely sets a default timetable for serving and filing reply papers in connection with a civil motion. I do not understand what relief petitioner is seeking by his request for "an order pursuant to Rule 6.1(a)(3)."

I have also reviewed the papers petitioner submitted in support of the motion in an effort to discern the nature of the application. They shed no light on the nature of the relief



petitioner is seeking. The affirmation in support of the motion appears to attack the weight of the evidence submitted against petitioner, and I shall consider petitioner's arguments in this regard in assessing the merits of the petition. However, I am unable to discern any request for relief apart from the granting of the petition.

Since Docket Item 35 does not appear to constitute any type of cognizable motion, it is denied.

Dated: New York, New York
September 21, 2010

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies mailed to:

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